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MS154756.01/MSFTP125US

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2-2-06
Date:

Himanshu S. Amin
Himanshu S. Amin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Federico Garcea, *et al.*

Examiner: Haresh N. Patel

Serial No: 09/710,172

Art Unit: 2154

Filing Date: November 10, 2000

Title: SYSTEM FOR GATHERING AND AGGREGATING OPERATIONAL METRICS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. §1.131

Dear Sir:

The undersigned declare as follows:

We are the inventors of the above-identified patent application. The subject matter claimed in the above-identified patent application was reduced to practice in the United States by a date prior to June 26, 2000.

Exhibit A is a copy of a specification document describing some of the features of Microsoft's Application Center 2000. A beta version of this software having these

features was reduced to practice prior to June 26, 2000. As shown in Section 0 "Design Summary" of Exhibit A, the LogQueryHelper component aggregates and formats query results and provides the results to the User Interface (UI). As specified in Section 0.3 "Aggregation" of Exhibit A, "for the cluster view, this includes rolling up results from all servers in the cluster into a single result set." As specified in Section 2.4 "Aggregating Data" of Exhibit A, "for the cluster view, these values matched across a time period need to be rolled." As indicated in the History Section of Exhibit A, this document was created on or before Dec. 8, 1999.


Exhibit B is a copy of Fig. 6A of U.S. Patent No. 6,789,046. This figure is a screen shot of the UI of a beta version of Microsoft's Application Center 2000 that was executing on Microsoft computers on April 18, 2000. This screen shot shows the UI displaying the aggregated performance metrics of the members of MyCluster.

Exhibits C-E are copies of media articles pertaining to the release of the beta-2 version of Microsoft's Application Center 2000.

Proprietary information not necessary to show that the claimed subject matter was reduced to practice prior to the effective date of Salzberg-KPMG has been removed from these exhibits.

We hereby declare that all statements made in this Declaration are true to the best of our knowledge and belief.

Respectfully submitted,



Federico Garcea

1/20/2006
Date

Michael S. Murstein

Date

Roger W. Sprague

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Alexander M. Sutton

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Michael W. Thomas

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Giedrius Zizys

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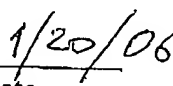
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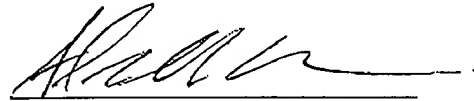
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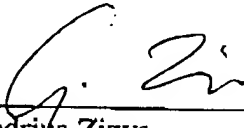
Date

Alexander M. Sutton

Date

Michael W. Thomas

Date




Giedrius Zizys

01/20/2006

Date

Exhibit "A"

1

↑	LogQueryHelper			
	program management	<u>Alex Sutton</u>	created	
	development	<u>Giedrius Zizys</u>	last updated	5/22/2001
	test	<u>ZhengpingZuo</u>	status	final
	documentation	<u>Jim Morey</u>		
	localization	n/a		

0. Design Summary

The LogQueryHelper component provides log data to the ACS UI to populate the Performance Viewer and Event Viewer pages. It is invoked by the Admin ASP, which calls a method specific to the data desired and passes the user's query parameters.

LogQueryHelper then has 4 tasks:

- Set appropriate connection strings for the query (server or cluster members)
- Build and pass SQL query
- Aggregate and format the query results
- Return the results and status for each server to the UI

Caching and other optimizations may be necessary based upon performance of LogQuery and LogQueryHelper.

0.3 Aggregation

After results are returned from LogQuery, the LogQueryHelper component needs to put them in the format specified by the UI. For the cluster view, this includes rolling up results from all servers in the cluster into a single result set.

Where no data points are returned from the server, a VARIANT of type VT_EMPTY should be returned to the UI.

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2.4 Aggregating Data

Two things need to happen to the results returned from each server. Data points for each counter need to be matched up across time, with -1 used for periods with no data (the UI will not plot these).

And for the cluster view, these values matched across a time period need to be rolled. The ClusterAggregation method is specified for each counter in the Counters table. Values are:

- 0= None
- 1= Average
- 2= Sum
- 3= Last
- 4= Min
- 5= Max

If cluster aggregation value is 0, the counter values returned for cluster view should be -1.

The first column in the CounterValues array should be time stamp.

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History

Date	changes made	program manager
12/8/99	Stable	asutton
9/4/00	Cleaned up and migrated to new format	asutton

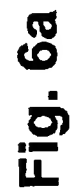


Fig. 6a

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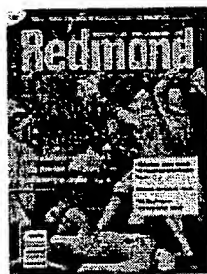
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- 12/13/00 70-240 Accelerated: "The Day After" with Andy Barkl
- 12/8/00 Windows 2000: One Year Later
- 12/8/00 Microsoft May Extend Deadline on NT 4.0 Exams
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November 2000

- 11/30/00 Microsoft Beta Tests ISA Server Exam in January
- 11/30/00 Details on Continuing Education Credits for MCTs
- 11/30/00 Wraps Come Off Commerce Server 2000 in December
- 11/29/00 Seeking Exchange and SQL Test Reviewers
- 11/27/00 Microsoft Files Brief to Overturn Antitrust Judgement
- 11/20/00 Of Note at CertCities.com This Week...
- 11/17/00 Beta Exams: What Do You Think?
- 11/17/00 Migrating to Win2K Exam Delayed to December
- 11/15/00 Clustering Exam Goes Live
- 11/13/00 Comdex Special Report: Microsoft Releases Visual Studio.NET, .NET Framework Betas
- 11/8/00 MCP Magazine's Discussion Forums are Back!

October 2000

- 10/31/00 Whistler Beta 1 Sent to Testers
- 10/30/00 Clustering Exam To Go Live Nov. 15
- 10/30/00 Early Adopters Get ISA Release Candidate 2
- 10/27/00 Microsoft Acknowledges, Issues Statement on Security Breach
- 10/27/00 Microsoft .NET Servers Extend into Document Management, Collaboration
- 10/25/00 Microsoft's New Certification Program for ISVs, ASPs
- 10/12/00 Microsoft Adds Management Services to .NET
- 10/4/00 MCP Beta Exams By Invitation-Only

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- 9/26/00 **Microsoft's .NET Enterprise Server Line In Detail**
- 9/21/00 **3 p.m. Today! Working for a Dot-Com**
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- 9/7/00 **MCP TechMentor, Day One: More Details of .NET Revealed**
- 9/5/00 **Microsoft Releases Exchange 2000 to Manufacturing**
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- 8/23/00 **Win2K Clustering Exam Heads to Beta**
- 8/22/00 **Update: Microsoft Repeats Lower Court Review Request**
- 8/11/00 **Microsoft Releases Datacenter to Manufacturers**
- 8/10/00 **SQL Server 2000 Goes "Gold"**
- 8/10/00 **Today at 4 pm Pacific! "Win2K Foundations" Chat with Harry Brelsford**
- 8/2/00 **Application Center 2000 Beta Now Open to Public**
- 8/1/00 **Windows 2000 Service Pack 1 Arrives**

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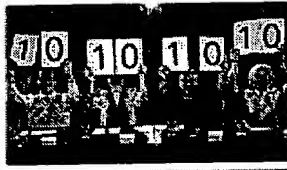
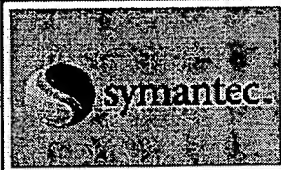
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Application Center scales e-business

By James R. Borck, InfoWorld Test Center
September 1, 2000

CLUSTERING technology, which allows multiple stand-alone computing systems to function as a single virtual machine, has become a powerful ally in the fight for e-commerce application scalability and availability. In a nutshell, clustering boosts performance through better load balancing, which means your customers won't wait as long to access your business applications.

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IT SOLUTION SEARCH

With Windows 2000, Microsoft offers very impressive clustering and load-balancing capabilities. Companies looking to get in on this business-boosting action should check out Microsoft's Application Center 2000, a Web-scaling management tool that allows easy set-up and configuration of server arrays (clusters).

Application Center is critical for the enterprise deployment of Windows 2000 on the .NET platform. Implementing this product will dramatically improve application availability and speed. And with this product, you can package and roll out application updates to every server in the array as easily as if you were working with a single computer.

The most recent version of Application Center, Beta 2 offers basic clustering and monitoring capabilities with self-healing automation to keep performance in peak condition. The tool also boasts easy synchronization of servers and simple COM+ application rollouts.

Application Center provides interfaces to all management and monitoring functions via a Microsc Management Console snap-in, a Web browser, or a CLI (Command Line Interface) through which scripting adds automated functionality.

The product's wizard-driven routines enable quick setup, synchronization, and modification of cluster members. You can also add servers, configure load balancing, and deploy applications with minimal technical expertise.

Application Center's monitoring and data collection tools delivered informative metrics on the aggregate health of our clusters. By setting threshold rules, we could preset error conditions, such as CPU utilization or server failure, that triggered immediate alert notifications.

In fact, because it is equipped with event-response aptitude, Application Center takes notification and automated correction to new levels. The product can trigger built-in commands, as well as external programs and VBScripts that mechanize processes, such as restarting downed servers. These favors will do wonders to improve application performance and reduce support costs.

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The product offers support for Windows 2000 Network Load Balancing and Component Load Balancing (CLB) to move COM+ work to dedicated servers for better system performance.

Although CLB was originally seen in Windows 2000, it lacked deployment, management, and monitoring capabilities. With the help of Application Center 2000, though, CLB is now a truly valuable tool.

Across the board, Application Center delivers reliable, timesaving features that will benefit businesses of any size. The product may offer particular perks to small or midsize companies that lack the staff or skills typically required for this breed of deployment.

On the downside, although integration for third-party tools is available through Microsoft's API, the number of vendors currently integrating can be counted on the fingers of a bad wood shop teacher.

Nonetheless, Application Center's potential is evident and exciting. Microsoft's first-generation foray into Windows 2000 cluster management appears to not only be a success, but will play an important role in shaping Microsoft's e-commerce viability for the future.

James R. Borck (james_borck@infoworld.com) covers e-business technologies for the Test Center.

BOTTOM LINE

Application Center 2000, Beta 2

BUSINESS CASE

Clustering improves application scalability and ensures business-critical resource availability. With App Center, corporations can roll out applications to entire server farms as easily as updating a single system.

TECHNOLOGY CASE

With this Web-scaling management tool, clustering and managing server arrays is a wizard-driven process that requires very little tech expertise.



PROS

- + Load-balanced, scaled applications
- + Easy rollout of application updates
- + Simplified cluster management
- + Informative cluster performance and health monitoring

CONS

- Limited number of vendors integrating it as a third-party tool

COST

Anticipated cost, \$2,999

PLATFORMS

Windows 2000

SHIPPING DATE

Expected before end of 2000

COMPANY

Microsoft Corp., Redmond, Wash.; (800) 426-9400; www.microsoft.com/servers

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Focus on Windows

Historical Timeline - 2000

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January 1: The world survives the rollover to 00.

January 5: Microsoft unveils IE 5 for the Mac at Macworld Expo in San Francisco.

January 14: US Federal Government relaxed encryption export law, allowing exportation of software using 128-bit encryption.

February 17: Windows 2000 is officially launched in Professional, Server, and Advanced Server versions.

February 22: Microsoft offers Release Candidate 1 of Exchange Server 2000, and also announces Exchange 2000 Conferencing Server.

March 2: Microsoft releases Windows-Based Terminal (WBT) Standard 1.5.

March 14: Over 1 million copies of Windows 2000 sold.

March 15: Microsoft announces IPv6 Technical Preview for Windows 2000.

March 27: Microsoft announces Windows Media Player 7.0.

April 3: Microsoft releases Windows Services for UNIX 2.0.

April 4: Microsoft releases Visio 2000, Service Release 1.

April 11: Microsoft begins availability of TechNet on DVD.

April 24: Microsoft releases Beta 2 of SQL Server 2000.

April 25: Microsoft Announces Windows CE 3.0 and New Development Tools At WinHEC 2000.

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May 15: Microsoft unveils IE for Mac OS X

Desktop Part 1:
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May 23: Microsoft releases Beta 2 of Windows 2000 Datacenter Server.

June 6: Public Beta for Internet Security and Acceleration Server 2000 (ISA Server 2000) begins.

June 19: Windows Millennium Edition (Windows ME) released to Manufacturing.

June 20: SMS 2.0 Service Pack 2 released.

June 22: Microsoft announces "Windows .NET"

June 27: Windows 2000 sales hit 3 million.

June 28: Microsoft releases Beta of Commerce Server 2000.

June 28: Microsoft Releases Windows 2000 Terminal Services Advanced Client.

July 6: Windows Services for Netware version 5.0 (SFN5) released.

July 12: IE 5.5 released.

July 14: Small Business Server 2000 enters Beta 1.

July 17: Compaq becomes first systems manufacturer to be certified for Windows 2000 Datacenter Program for Windows 2000 Datacenter Server.

July 19: Microsoft Unveils Office 2001 for Mac.

July 20: MSN Messenger 3.0 released.

July 31: Service Pack 1 for Windows 2000 released.

August 2: Application Center 2000 enters Beta 2.

August 7: SQL Server 2000 released to manufacturing.

August 11: Microsoft Ships Windows 2000 Datacenter Server to Program Partners.

August 14: Microsoft announces Beta 1 of Biztalk Server 2000.

August 31: MSN announces Preview 2 of MSN Explorer (a competitor to IE?).

September 14: Windows ME available.

October 9: MSN Explorer browser released.

October 11: Exchange Server 2000 launches.

October 31: Beta 1 of "Whistler" (next version after Windows 2000) released.

November 2: Service Pack 1 for IE 5.5 released.

November 9: Microsoft releases DirectX version 8.0.

November 20: Intel introduces the Pentium IV processor.

December 12: BizTalk Server 2000 Released to Manufacturing.

December 15: Microsoft extends deadline for completing NT 4.0 exams through the end of February.

December 18: Microsoft Announces Release of "Whistler Embedded" Beta 1.

December 21: Microsoft to acquire Great Plains Software, Inc.

Date Unknown: Intel releases Pentium 4.

Sources:

1 - [Microsoft Press Pass](#)

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